

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
FIFTY-NINTH LEGISLATURE

THIRTY-THIRD LEGISLATIVE DAY
FRIDAY, FEBRUARY 8, 2008

House of Representatives

The House convened at 11:00 a.m., the Speaker in the Chair.

Roll call showed 60 members present.

Absent and excused – Anderson, Clark, Crane, Lake, Loertscher, Mortimer, Moyle, Raybould, Schaefer, Smith(24).
Total – 10.

Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Bethanne Weston, Page.

Approval of Journal

February 8, 2008

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Thirty-second Legislative Day and recommend that same be adopted as corrected.

CLARK, Chairman

Mr. Clark moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

Consideration of Messages from the Governor and the Senate

February 7, 2008

Mr. Speaker:

I transmit herewith enrolled **S 1259** for the signature of the Speaker.

WOOD, Secretary

The Speaker announced he was about to sign enrolled **S 1259** and, when so signed, ordered it returned to the Senate.

February 7, 2008

Mr. Speaker:

I return herewith enrolled **H 340** and **H 342** which have been signed by the President.

WOOD, Secretary

Enrolled **H 340** and **H 342** were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

Mr. Speaker:

I transmit herewith **S 1251, S 1253, S 1349, and S 1322** which have passed the Senate.

WOOD, Secretary

S 1251, S 1253, S 1349, and S 1322 were filed for first reading.

Report of Standing Committees

February 8, 2008

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed **HJM 6, HJM 7, H 480, H 481, H 482, H 483, H 484, H 485, H 486, H 487, H 488, and H 489**.

CLARK, Chairman

HJM 6, H 488, and H 489 were referred to the Health and Welfare Committee.

HJM 7 was referred to the State Affairs Committee.

H 480 and H 481 were referred to the Business Committee.

H 482 was referred to the Environment, Energy, and Technology Committee.

H 483 was referred to the Transportation and Defense Committee.

H 484, H 485, H 486, and H 487 were referred to the Agricultural Affairs Committee.

February 8, 2008

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled **H 424**.

CLARK, Chairman

The Speaker announced he was about to sign enrolled **H 424**, and, when so signed, ordered it transmitted to the Senate for the signature of the President.

February 6, 2008

Mr. Speaker:

We, your COMMITTEE ON HEALTH AND WELFARE, report that we have had under consideration **H 388** and recommend that it do pass.

BLOCK, Chairman

H 388 was filed for second reading.

February 7, 2008

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration **H 397, H 401, and H 423** and recommend that they do pass.

NONINI, Chairman

H 397, H 401, and H 423 were filed for second reading.

February 7, 2008

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration **H 447** and recommend that it do pass.

LAKE, Chairman

H 447 was filed for second reading.

February 7, 2008

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration **H 370** and **SCR 124** and recommend that they do pass.

CLARK, Chairman

H 370 and **SCR 124** were filed for second reading.

February 6, 2008

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration **H 446** and report it back with amendments attached to be placed on General Orders for consideration.

LOERTSCHER, Chairman

H 446 was placed on General Orders for consideration.

February 7, 2008

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration **H 408** and report it back with amendments attached to be placed on General Orders for consideration.

CLARK, Chairman

H 408 was placed on General Orders for consideration.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

HOUSE CONCURRENT RESOLUTION NO. 38 BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING CERTAIN RULES OF THE DEPARTMENT OF JUVENILE CORRECTIONS PERTAINING TO RULES OF THE CUSTODY REVIEW BOARD.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the Department of Juvenile Corrections pertaining to Rules of the Custody Review Board are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 05.01.03, Rules of the Custody Review Board, Section 102, relating to Structure and Composition of the Custody Review Board, Subsection 01.a, the amended language only, and Subsection 02.c, the amended language only, Rules of the Department of Juvenile Corrections, as adopted as a pending rule under Docket Number 05-0103-0701, be, and the same are hereby rejected and declared null, void and of no force and effect.

HOUSE JOINT MEMORIAL NO. 8 BY RESOURCES AND CONSERVATION COMMITTEE A JOINT MEMORIAL

TO THE SECRETARY OF THE UNITED STATES DEPARTMENT OF THE INTERIOR, THE COMMISSIONER OF THE BUREAU OF RECLAMATION, THE UNITED STATES ARMY CORPS OF ENGINEERS, THE GOVERNOR OF THE STATE OF IDAHO, THE MEMBERS OF THE IDAHO WATER RESOURCE BOARD, THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the Second Regular Session of the Fifty-ninth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, water is among the most precious natural resources of the state of Idaho; and

WHEREAS, residents of Idaho have been experiencing shortages in water availability and deliveries in recent years; and

WHEREAS, continued, unprecedented drought, population growth and urban development, conjunctive administration, Endangered Species Act requirements and other additional demands are being placed on the already scarce water resources of the state; and

WHEREAS, Idaho stores a small percentage of its average annual runoff in comparison with other states; and

WHEREAS, additional storage would be beneficial for Idaho residents for irrigation, domestic, municipal, commercial, industrial, recreational, flood control, resident fisheries, wildlife and other purposes; and

WHEREAS, new storage reservoirs can take many years to plan, design and construct; and

WHEREAS, the Minidoka Dam enlargement, Teton Dam replacement, Twin Springs Dam, Galloway Dam and Lost Valley Dam have initially been identified by the Director of the Idaho Department of Water Resources as potential projects that could be constructed; and

WHEREAS, studies have been undertaken, or have been proposed, which indicate that there are potential storage sites that would provide significant additional storage to residents of the state of Idaho, which can be built in a safe, environmental and economical manner, and which will provide significant long-term benefits to the state of Idaho; and

WHEREAS, additional studies have been proposed specific to the Minidoka Dam enlargement, Teton Dam replacement and Twin Springs Dam; and

WHEREAS, the Bureau of Reclamation is agreeable to the

study of Minidoka Dam enlargement, but the opportunity to do so is limited by the fact that environmental compliance and design work are ready to commence on the replacement of the spillway at the Minidoka Dam, making time of the essence for the storage enlargement study; and

WHEREAS, the United States Army Corps of Engineers, by virtue of the 2007 amendments to the federal Water Resource Development Act, has feasibility authority to study water supply and flood control on the Boise River, including Twin Springs Dam.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we support the study of additional water storage projects.

BE IT FURTHER RESOLVED that we encourage the Bureau of Reclamation, the United States Army Corps of Engineers, the Governor of the State of Idaho, the Idaho Water Resource Board, the Idaho Department of Water Resources, and other federal, state and local agencies to cooperate with the residents of the State of Idaho in initiating and completing the study of additional water storage projects including, but not necessarily limited to, the Minidoka Dam enlargement, Teton Dam replacement and Twin Springs Dam, identifying those projects that are feasible, and moving forward with implementation and construction of those water storage projects that most benefit the residents of the state of Idaho.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the Secretary of the United States Department of the Interior, the Commissioner of the Bureau of Reclamation, the United States Army Corps of Engineers, the Governor of the State of Idaho, the members of the Idaho Water Resource Board, the Director of the Idaho Department of Water Resources, and the congressional delegation representing the State of Idaho in the Congress of the United States.

HCR 38 and **HJM 8** were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

**Introduction, First Reading, and Reference
of Bills and Joint Resolutions**

**HOUSE BILL NO. 490
BY REVENUE AND TAXATION COMMITTEE
AN ACT**

RELATING TO THE STATE ATHLETIC COMMISSION; AMENDING SECTION 54-411, IDAHO CODE, TO PROVIDE FOR THE USE OF CERTAIN MONEYS TO PROMOTE AND SUPPORT AMATEUR BOXING.

**HOUSE BILL NO. 491
BY BUSINESS COMMITTEE
AN ACT**

RELATING TO TRUST DEEDS; AMENDING SECTION 45-1502, IDAHO CODE, TO REVISE DEFINITIONS.

**HOUSE BILL NO. 492
BY BUSINESS COMMITTEE
AN ACT
RELATING TO THE IDAHO RESIDENTIAL CARE**

ADMINISTRATORS ACT; AMENDING SECTION 54-4207, IDAHO CODE, TO REVISE PROVISIONS FOR EXAMINATIONS FOR APPLICANTS FOR LICENSURE.

**HOUSE BILL NO. 493
BY BUSINESS COMMITTEE
AN ACT**

RELATING TO INSURANCE; AMENDING SECTION 41-114A, IDAHO CODE, TO PROVIDE THAT "SERVICE CONTRACTS" MAY PROVIDE FOR THE REPAIR, REPLACEMENT, OR MAINTENANCE OF PROPERTY FOR DAMAGE RESULTING FROM POWER SURGES AND FOR ACCIDENTAL DAMAGE FROM HANDLING.

**HOUSE BILL NO. 494
BY BUSINESS COMMITTEE
AN ACT**

RELATING TO INSURANCE AND INVESTMENTS; AMENDING CHAPTER 7, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-732, IDAHO CODE, TO PROVIDE FOR THE INVESTMENT, REINVESTMENT AND USE OF FUNDS OF A DOMESTIC RECIPROCAL INSURER.

**HOUSE BILL NO. 495
BY COMMERCE AND HUMAN RESOURCES
COMMITTEE
AN ACT**

RELATING TO WORKER'S COMPENSATION AND RELATED LAWS; AMENDING CHAPTER 9, TITLE 72, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 72-928A, IDAHO CODE, TO PROVIDE THAT A PUBLIC CORPORATION MAY INSURE AGAINST LIABILITY FOR COMPENSATION WITH THE STATE INSURANCE FUND OR WITH CERTAIN LICENSED INSURANCE CARRIERS.

**HOUSE BILL NO. 496
BY COMMERCE AND HUMAN RESOURCES
COMMITTEE
AN ACT**

RELATING TO STATE GOVERNMENT AND THE STATE PERSONNEL SYSTEM; AMENDING SECTION 67-5302, IDAHO CODE, TO PROVIDE FOR OVERTIME PAY FOR CERTAIN EMPLOYEES UPON EMERGENCY DECLARATION BY THE GOVERNOR OR WITH THE APPROVAL OF THE APPOINTING AUTHORITY AND THE STATE BOARD OF EXAMINERS.

**HOUSE BILL NO. 497
BY COMMERCE AND HUMAN RESOURCES
COMMITTEE
AN ACT**

RELATING TO PUBLIC WORKS CONTRACTORS LICENSES; AMENDING SECTION 54-1904, IDAHO CODE, TO PROVIDE AN ADDITIONAL CONDITION OF LICENSURE REGARDING HEALTH INSURANCE FOR EMPLOYEES.

**HOUSE BILL NO. 498
BY RESOURCES AND CONSERVATION COMMITTEE
AN ACT**

RELATING TO THE SALE OF TIMBER; AMENDING SECTION 58-411, IDAHO CODE, TO AUTHORIZE THE

DIRECTOR OF THE DEPARTMENT OF LANDS TO APPLY ALL OR A PORTION OF SPECIFIED DEPOSITS AS FINAL PAYMENT OR PAYMENTS FOR FOREST PRODUCTS REMOVED OR TO SATISFY OTHER CONTRACTUAL OBLIGATIONS.

HOUSE BILL NO. 499

BY RESOURCES AND CONSERVATION COMMITTEE
AN ACT

RELATING TO BOATING; AMENDING SECTION 67-7022, IDAHO CODE, TO PROVIDE CERTAIN RESTRICTIONS RELATING TO OVERLOADING AND TO PROVIDE AN EXCEPTION; AMENDING SECTION 67-7025, IDAHO CODE, TO PROVIDE A REFERENCE RELATING TO VIOLATIONS OF RULES OF THE ROAD AND TO PROVIDE THAT SUCH VIOLATIONS SHALL CONSTITUTE INTERFERENCE WITH NAVIGATION; AND AMENDING SECTION 67-7077, IDAHO CODE, TO PROHIBIT CERTAIN OPERATION OF PERSONAL WATERCRAFT OR MOTORIZED VESSELS.

HOUSE BILL NO. 500

BY RESOURCES AND CONSERVATION COMMITTEE
AN ACT

RELATING TO LEASE OF STATE LANDS; AMENDING SECTION 58-307, IDAHO CODE, TO FURTHER DEFINE THE TERM "COMMERCIAL PURPOSES" AND TO DELETE REFERENCE TO GEOTHERMAL LEASES.

HOUSE BILL NO. 501

BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE
AN ACT

RELATING TO ADDRESS CONFIDENTIALITY FOR VICTIMS OF VIOLENCE; AMENDING TITLE 19, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 57, TITLE 19, IDAHO CODE, TO PROVIDE A PURPOSE, TO DEFINE TERMS, TO PROVIDE A PROCEDURE FOR AN ADDRESS CONFIDENTIALITY PROGRAM AND TO PROVIDE PENALTY PROVISIONS RELATING TO FALSELY ATTESTED APPLICATIONS, TO PROVIDE FOR CERTIFICATION CANCELLATION, TO PROVIDE FOR USE OF DESIGNATED ADDRESSES, TO PROHIBIT THE DISCLOSURE OF RECORDS AND TO PROVIDE EXCEPTIONS, TO PROVIDE FOR IMMUNITY FROM LIABILITY AND TO AUTHORIZE THE SECRETARY OF STATE TO PROMULGATE CERTAIN RULES; AND AMENDING SECTION 9-340C, IDAHO CODE, TO PROVIDE THAT CERTAIN RECORDS IN AN ADDRESS CONFIDENTIALITY PROGRAM PARTICIPANT'S FILE ARE EXEMPT FROM DISCLOSURE AND TO PROVIDE EXCEPTIONS.

HOUSE BILL NO. 502

BY EDUCATION COMMITTEE
AN ACT

RELATING TO PUBLIC CHARTER SCHOOLS; AMENDING SECTION 33-5205A, IDAHO CODE, TO PROVIDE FOR RELOCATION OF PUBLIC CHARTER SCHOOL FACILITIES TO ANOTHER SCHOOL DISTRICT IF THE APPROVED PRIMARY ATTENDANCE AREA OF THE PUBLIC CHARTER SCHOOL IS LOCATED WITHIN MORE

THAN ONE SCHOOL DISTRICT AND TO MAKE TECHNICAL CHANGES.

HOUSE BILL NO. 503

BY EDUCATION COMMITTEE
AN ACT

RELATING TO SCHOLARSHIPS; AMENDING CHAPTER 43, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-4316, IDAHO CODE, TO PROVIDE ELIGIBILITY CRITERIA FOR KEY TO THE FUTURE SCHOLARSHIPS FOR STUDENTS, TO PROVIDE THAT KEY TO THE FUTURE STUDENTS SHALL REMAIN DRUG, ALCOHOL AND TOBACCO FREE, TO PROVIDE PROCEDURES, TO PROVIDE THE AMOUNT AND LENGTH OF THE AWARD FOR KEY TO THE FUTURE STUDENTS, TO PROVIDE FOR REPORTS, TO PROVIDE FOR FUNDING FROM THE JOINT MILLENNIUM FUND COMMITTEE OR THE GENERAL FUND, TO PROVIDE FOR RULES AND TO DEFINE TERMS; TO PROVIDE A SUNSET DATE AND TO PROVIDE FOR REPORTS.

HOUSE BILL NO. 504

BY EDUCATION COMMITTEE
AN ACT

RELATING TO EDUCATION; AMENDING CHAPTER 12, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1281, IDAHO CODE, TO STATE THE PUBLIC INTEREST OF THE STATE OF IDAHO AND LEGISLATIVE INTENT, TO PROVIDE FOR DETERMINATION BY THE STATE BOARD OF EDUCATION OF EDUCATOR FIELDS CONSIDERED TO BE "HIGH NEED," TO PROVIDE EDUCATOR ELIGIBILITY CRITERIA FOR APPLICATION TO THE "HIGH NEED" LOAN FORGIVENESS PROGRAM AND FOR LOAN FORGIVENESS, TO PROVIDE FOR REIMBURSEMENT OF REASONABLE COSTS INCURRED BY EDUCATORS WHO HAVE NOT OBTAINED A QUALIFIED EDUCATIONAL LOAN AND TO PROVIDE FOR ADMINISTRATION OF THE PROGRAM BY THE BOARD; AND PROVIDING A SUNSET DATE.

HOUSE BILL NO. 505

BY EDUCATION COMMITTEE
AN ACT

RELATING TO THE BOARD OF TRUSTEES OF SCHOOL DISTRICTS CREATED BY CONSOLIDATION; AMENDING SECTION 33-313, IDAHO CODE, TO PROVIDE THAT IN DIVIDING TRUSTEE ZONES EACH FORMER DISTRICT IN THE NEW DISTRICT SHALL NOT BE SPLIT INTO DIFFERENT TRUSTEE ZONES, WITH AN EXCEPTION, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-501, IDAHO CODE, TO REVISE THE NUMBER OF MEMBERS OF THE BOARD OF TRUSTEES OF ANY SCHOOL DISTRICT WHICH HAS HAD A CHANGE IN DISTRICT BOUNDARIES BECAUSE OF CONSOLIDATION ON AND AFTER JANUARY 1, 2008, AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 33-505, IDAHO CODE, TO REVISE HOW TRUSTEES OF SCHOOL DISTRICTS INVOLVED IN CONSOLIDATION ARE APPOINTED AND TO MAKE A TECHNICAL CORRECTION.

H 490, H 491, H 492, H 493, H 494, H 495, H 496, H 497, H 498, H 499, H 500, H 501, H 502, H 503, H 504, and H 505 were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

S 1251 and S 1253, by Commerce and Human Resources Committee, were introduced, read the first time by title, and referred to the Business Committee.

S 1349, by Judiciary and Rules Committee, was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee.

S 1322, by State Affairs Committee, was introduced, read the first time by title, and referred to the State Affairs Committee.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

HCR 37, by Resources and Conservation Committee, was read the second time by title and filed for third reading.

H 414, by Commerce and Human Resources Committee, was read the second time by title and filed for third reading.

SJM 109, by Education Committee, was read the second time by title and filed for third reading.

S 1284 and S 1338, by State Affairs Committee, were read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

Mr. Bedke asked unanimous consent that the bills on the Third Reading Calendar retain their places until Monday, February 11, 2008. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Bedke moved that the House adjourn until 11:00 a.m., Monday, February 11, 2008. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:24 a.m.

LAWERENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk